

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2930 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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PRAVIN VIRA PANDIT

Versus

STATE OF GUJARAT

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Appearance:

NOTICE SERVED for Petitioner

MR HM BHAGAT for Respondent No. 1, 2, 3

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/12/1999

ORAL JUDGEMENT

Though the petitioner has been informed about the elevation of the learned advocate Mr. C.K.Thakkar (now the Acting Chief Justice) as far back as on 16th March, 1992, he has not entered his appearance. No one is present on behalf of the respondents.

On 9th July, 1985, the petitioner made an application under Rule-7 of the Gujarat Minor Mineral Rules, 1963, for a lease of land admeasuring 100 Hectors. Pursuant to the said application, under order dated 31st March, 1987, a mining lease was ordered to be given to

the petitioner for excavation of building lime stone on the land bearing Survey No. 130 of village Marebad, Taluka-Malia-Hatina, admeasuring 0H-90 Are, on the terms and conditions mentioned in the said order. However, inspite of the said order, no lease-deed was executed in favour of the petitioner. Therefore, the petition. The petitioner has prayed for mandamus to issue upon the respondents directing them to execute a lease-deed in consonance with the order dated 31st March, 1987.

In response to the notice issued by this court, the respondents have appeared before the court and have filed counter-affidavit. It is stated that the above referred order dated 31st March, 1987, was made through an inadvertence. Infact, 45 Are of the said land was already leased to one Devayat Arjan, and not more than 45 Are land was available for lease to the petitioner herein. In view of the said contention, this court, under its order dated 28th July, 1987, admitted the petition to final hearing, and under the interim order, directed the respondents "to execute the lease deed in favour of the petitioner in respect of the land which is not given to aforesaid Devayat Arjan and which is still with the Department, within a period of ten days from today".

In view of the above interim order, no further order is required to be made on this petition. Besides, the initial period of lease for five years has expired long ago. The petition is, therefore, dismissed. Rule is discharged. There shall be no order as to costs.

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JOSHI